

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

70.01 PROPERTY PROTECTION FROM VEHICLES ON CLOSED STREETS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARRICADE. A device used to place a physical obstruction to travel across portions of the street with the message AStreet Closed by Tillamook City Per Ordinance No. _____.@

CHIEF OF POLICE. Includes any authorized law enforcement officer of the city.

CITY. The City of Tillamook.

STREET. Any street within the city under the control of the city.

VEHICLE. Any and all types of motorized vehicles used for transport of persons or materials.

(B) *Purpose.* The purpose of this section is to protect the citizens of the city from physical and property damage resulting from use of streets when the streets are damaged or in a flooded condition.

(C) *Unlawful use of streets.* It shall be unlawful to operate a motorized vehicle on any city street barricaded by the City Public Works Director or Police Department.

(D) *Violations.* The operator of any motor vehicle violating this section shall be cited by a city police officer to appear in Municipal Court for violation of this section.

(1977 Code, ' 5-10) (Ord. 1102, passed 3-5-1990) Penalty, see ' 70.99

TRUCK ROUTES

' 70.15 LIMITING TRUCKS TO CERTAIN STREETS TO PROTECT PUBLIC SAFETY.

(A) The City Council has determined that motor vehicles or trucks longer than a three-axle, single unit truck, larger than eight feet wide and 30 feet long and any vehicle with an extended trailer or a weight of over 10,000 pounds, jeopardize the public=s safety when those vehicles travel on particular streets, roads or intersections, and the City Council, desires by ordinance, to prohibit such vehicles on those streets or roads.

(B) The City Council has based its findings on evidence submitted by a qualified Engineer, including, but not limited to:

(1) The turning radius and other geometries of an intersection;

(2) The width of a street or roadway;

(3) The base of a street or roadway;

(4) The maximum length and/or weight of a truck that can safely maneuver the intersection or area of the right-of-way without leaving the paved driving area;

(5) The speed limit in the area; and

(6) Any other deficiency that causes the public safety to be jeopardized.

(C) It is necessary for public safety reasons to limit trucks larger than three-axle, single unit, larger than eight feet wide and 30 feet long or a weight of over 10,000 pounds, to driving on the streets set forth in Chapter 73, Schedule V only.

(D) Nothing in this section shall prohibit the following from traveling on a street other than those streets listed:

(1) School and mass transit busses;

(2) Trucks collecting solid wastes or recyclables within the city;

(3) Emergency vehicles;

(4) Motor vehicles that are picking up from, delivering to, or servicing a location in the area, so long as the vehicle uses the major collector or arterial closest to the pick-up, delivery, or service and utilizes the shortest route available, and travels on the restricted street or road for the shortest distance possible;

(5) Driving to and from the home of the vehicle=s owner/operator, if located in a residential zone, provided that the vehicle is unloaded at that time; or

(6) Motor vehicles that are originating from or returning to their home business located in a commercial or industrial zone, so long as such vehicles use a major collector or arterial close to their home business location and utilize the shortest route available to their destination, and travel on the restricted street or road for the shortest distance possible.

(Ord. 1269, passed 10-15-2012) Penalty, see ' 70.99

' 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Violation of ' 70.01 shall be punishable as a Class B infraction as provided in state statutes. (1977 Code, ' 5-10)

(C) Any person, firm, corporation, trust, partnership, or other legal entity that violates or refuses to comply with ' 70.15 shall have committed a civil infraction and shall be subject to a fine of up to \$260. Each incident shall constitute a new violation.

(Ord. 1102, passed 3-5-1990; Ord. 1142, passed 3-4-1996; Ord. 1269, passed 10-15-2012)

CHAPTER 71: TRAFFIC CONTROL

Section

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GENERAL PROVISIONS

' 71.001 SHORT TITLE.

This chapter may be cited as ATillamook City Uniform Traffic Ordinance@ or Athis chapter.@ (Ord. 1249a, passed 6-7-2010)

' 71.002 DEFINITIONS, INTERPRETATION AND CONFLICT OF LAWS.

Except where the context clearly indicates a different meaning, the definitions contained in the Oregon Revised Statutes, as now or hereafter constituted, are adopted by reference and made a part of this chapter. In any conflict of laws, the city=s definitions and interpretation shall control. The City Council expressly retains the exclusive authority to define and interpret the meaning and application of the city=s ordinances, orders, rules, resolutions and/or other city law, even those laws borrowed from any other jurisdiction and incorporated as city law, such as, the Oregon Revised Statutes. The City Council reaffirms and adopts current O.R.S. and O.A.R. in effect and referenced in this chapter. (Ord. 1249a, passed 6-7-2010; Ord. 1263, passed 1-3-2012) Penalty, see ' 71.999

' 71.003 PENALTIES, FEES SET BY RESOLUTION.

(A) Unless otherwise specified, violations of this chapter are punishable by fine, to be set by resolution.

(B) Each day or distinct time period of a violation, as described in this chapter, shall be considered a separate violation, subject to a separate penalty as described in this chapter and by resolution.

(C) Fees identified in this chapter shall be set by resolution. (Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

ADMINISTRATION

' 71.015 POWERS OF THE COUNCIL.

(A) Subject to state laws, the City Council, on all highways, streets, roadways, alleys, city property, parks and city parking lots, shall exercise all road traffic and parking authority for the city except those powers expressly delegated by this chapter or another ordinance.

(B) The powers of the Council include but are not limited to:

- (1) Designation of city-controlled through streets and directions of travel;
- (2) Designation of truck routes;
- (3) Designation of parking meter zones, spaces, rates and space leases;
- (4) Designation of the type of vehicle traffic allowed;

(5) Authorization of greater maximum weights, heights or lengths for vehicles using city streets than specified by state law;

(6) Revision of speed zones;

(7) Revision of speed limits in parks, city property and city parking lots;

(8) Temporary or permanent closure of any public roadway, street or other public way in the city, not subject to state or federal control; and

(9) The regulation of all other vehicle and pedestrian uses of city property as reasonably necessary for the public=s general health, safety and welfare, whether temporary or permanent.

(C) Establishment, removal or alteration of the following traffic controls:

(1) Crosswalks, safety zones and traffic lanes, intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies; and

(2) Parking areas, parking restrictions and time limitations, including the form of permissible parking.

(D) All vehicle and pedestrian regulations apply 24 hours a day, seven days a week, uninterrupted, unless otherwise specified.

(E) All vehicle and pedestrian traffic control shall be posted by signs reasonably calculated to inform the public of the regulation and of the time and place to which it applies. Signs conforming to federal and state highway standards meet this standard.

(Ord. 1249a, passed 6-7-2010)

' 71.016 DUTIES OF THE CITY MANAGER.

The City Manager or his or her designee shall exercise the following duties: implement ordinances, resolutions and motions of the Council.

(Ord. 1249a, passed 6-7-2010)

' 71.017 AUTHORITY OF POLICE.

The Police Chief or his or her designee shall enforce the provisions of this chapter.

(Ord. 1249a, passed 6-7-2010)

GENERAL REGULATIONS

' 71.030 CROSSING PRIVATE PROPERTY.

No operator of a vehicle shall proceed from one street to another street by crossing private property without the permission of the private property owner. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services. Violation of this section shall be punishable by a fine set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.031 UNLAWFUL RIDING.

(A) (1) The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street, premises open to the public or other city-owned property except within a part of the vehicle designed or intended for the use of passengers.

(2) No person shall board or alight from a vehicle while the vehicle is in motion upon any premises open to the public, street or other city-owned property.

(B) Violation of this section shall be punishable by a fine set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.032 ROLLER SKATES, ROLLER BLADES, SKATEBOARDS, SCOOTERS, SLEDS.

(A) No person shall:

(1) Use roller blades, roller skates, skateboards, scooters or sleds on sidewalks in public owned parking lots in a designated parking district; or

(2) Use streets for traveling on sleds or similar devices except to cross at a crosswalk. When crossing at a crosswalk, that person shall be subject to all duties applicable to pedestrians.

(B) Violation of this section shall be punishable by a fine set by resolution.
(Ord. 1249a, passed 6-7-2010, Ord 1280, passed 8-19-2013) Penalty, see ' 71.999

' 71.033 DAMAGING SIDEWALKS AND CURBS.

(A) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(B) No person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of creating a driveway.

(C) No person shall remove a portion of a curb, or move a motor vehicle or any device moved by a motor vehicle upon a curb or sidewalk, without first obtaining city authorization and posting bond if required. Violation of this section shall be punishable by a fine to be set by resolution. A person who causes damage to a curb shall be responsible for the cost of repair, in addition to any fine.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.034 REMOVING GLASS AND DEBRIS.

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street at his or her own expense. Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.035 STORAGE OF MOTOR VEHICLES, PERSONAL PROPERTY ON STREETS, CITY PARKING LOTS OR CITY PROPERTY.

(A) (1) No person shall store or permit to be stored on a street, city right-of-way, city parking lot or city property, without permission of the City Manager, a vehicle or trailer, approved personal property, trash containers, construction equipment or construction supplies for a period in excess of 24 hours. Failure to move on a street (a minimum distance of 250 feet) a motor vehicle, trailer, trash container, construction equipment or construction supplies for a period of 24 hours shall constitute prima facie evidence of violation of this section.

(2) Vehicles directly in front of the owner=s residence shall be considered parked and not

stored, for purposes of this section, if the motor vehicle is currently registered to a resident at that address and the vehicle is operational and currently insured; except that no vehicle, even in front of one's residence or business, shall be allowed to be parked for over 30 cumulative days in any six-month period. Any vehicle(s) parked for over 30 cumulative days in a six-month period shall be in violation.

(B) When parked or stored on any city property, city right-of-way or street, any personal property, trash containers, construction equipment or construction materials shall have safety, sight or warning devices as to protect pedestrians or vehicles approaching. Trash containers, in addition to any warning devices required by Public Works or the City Manager, shall have reflective devices or material placed on them.

(C) The minimum requirements for reflectors shall be as follows.

(1) All trash containers shall be equipped with two front and two rear reflectors, as well as forward and rearward side reflectors.

(2) Rear and rearward side reflectors shall be red.

(3) Front and forward side reflectors shall be amber.

(4) Rear reflectors shall be placed one on each side of the rear portion of the container, at the corners.

(5) Front reflectors shall be placed one on each side of the front portion of the container, at the corners.

(6) Forward side reflectors shall be mounted on each side, near the front of the container.

(7) Rearward side reflectors shall be mounted on each side, near the rear of the container.

(8) Reflectors shall be mounted on the container at a height not less than 15 inches and not more than 60 inches above the ground on which the container sits.

(9) Reflectors shall be of a size or characteristics and so mounted and maintained as to be readily visible at night.

(10) Reflectors required to be mounted on the sides of the container shall reflect the required color of light to the sides and those mounted to the front and rear shall reflect the required color light to the front or rear.

(11) No trash container shall be placed on any street, city property or city right-of-way without first obtaining a permit from the City Hall. A fee shall also be paid. The fee shall be set by resolution.

(D) A violation of this section shall be punishable by a fine set by resolution. In addition, any cost incurred by the city for removal of any vehicle, trailer, property, trash container, construction equipment, construction material or any other property, vehicle or material shall also be recovered from the

responsible person(s).

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

BICYCLES, SKATEBOARDS, ROLLER SKATES, SCOOTERS

' 71.050 OPERATING RULES.

In addition to observing all other applicable provisions of this chapter and state law pertaining to bicycles, a person shall:

(A) Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles; and

(B) Not ride a bicycle, skateboard, roller skates or scooter upon a sidewalk within the Downtown Parking District. Violation of this section shall be punishable by a fine to be set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.051 IMPOUNDING OF BICYCLES.

(A) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(B) A bicycle left unattended on city property for a period in excess of 24 hours may be impounded by the Police Department.

(C) If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(D) A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property (see Chapter 34).

(E) Violation of this section shall be punishable by a fine set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.052 BICYCLE LICENSING.

(A) No person who lives or works within the city limits shall operate a bicycle upon the streets

within the city limits of this city, which has not been licensed as provided by this chapter.

(1) A number shall be assigned to each bicycle by the Police Chief or other official as directed by him or her, and a record of the license issued shall be maintained as part of the police records. The name of the city and license number assigned shall be affixed to the frame of the bicycle. The Police Chief shall issue licenses and obtain the name and address of each person purchasing a license and record the make, model and serial number (if any) of the bicycle.

(2) A person buying or otherwise obtaining a bicycle shall obtain a license from the Police Chief.

(3) Bicycle licenses shall become invalid upon change of ownership.

(4) The fee for a bicycle license shall be set by resolution.

(5) A bicycle, whether or not licensed under the regulations of any other governmental unit, if brought into this city, shall be licensed in accordance with this chapter within 30 days.

(6) No bicycle shall be licensed which is not equipped in accordance with this chapter.

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.053 RENTING OF BICYCLES.

No person shall rent to another a bicycle not licensed and equipped as required by this chapter. Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

PEDESTRIANS

' 71.065 PEDESTRIANS MUST USE CROSSWALKS.

(A) No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk. However, this section shall not excuse a motorist from exercising reasonable care, in addition to any other duty required under local, state and/or federal law.

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

PARADES AND PROCESSIONS**' 71.080 PROHIBITED ACTIVITY.**

No person shall organize or participate in a parade which may disrupt or interfere with traffic, without first obtaining a city permit. A permit shall always be required of a procession of people utilizing the public right-of-way and consisting of ten or more persons or five or more vehicles. Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.081 PARADE PERMIT.

(A) Application for parade permits shall be made to the City Manager at least 30 calendar days prior to the intended date of the parade, unless for good cause the time is waived by the City Manager.

(B) Applications shall include the following information:

- (1) The name and address of the person responsible for the proposed parade;
- (2) The date of the proposed parade;
- (3) The desired route, including assembling points;
- (4) The number of persons, vehicles and animals which will be participating in the parade;
- (5) The proposed starting and ending time; and
- (6) The application shall be signed by the person designated as chairperson.

(C) If the City Manager, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he or she shall approve the route and issue the permit.

(D) If the City Manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the City Manager may:

- (1) Propose an alternate route;
- (2) Propose an alternate date; or
- (3) Refuse to issue a parade permit.

(E) The City Manager shall notify the applicant of his or her decision within five calendar days of receipt of the application.

(F) If the City Manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his or her decision to the City Council.
(Ord. 1249a, passed 6-7-2010)

' 71.082 APPEAL TO COUNCIL.

(A) An applicant may appeal the decision of the City Manager by filing a written request of appeal with the City Recorder within five business days after the City Manager has proposed alternatives or refused to issue a permit.

(B) The Council shall schedule a hearing date, which shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative.
(Ord. 1249a, passed 6-7-2010)

' 71.083 OFFENSES AGAINST PARADE.

(A) (1) No person shall interfere with a parade or parade participant.

(2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade while the parade is en route.

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

' 71.084 PERMIT REVOCABLE.

The City Manager may revoke a parade permit if circumstances show that the parade can no longer be conducted consistent with public safety.
(Ord. 1249a, passed 6-7-2010)

' 71.085 FUNERAL PROCESSION.

(A) (1) A permit shall not be required to conduct a funeral procession.

(2) A funeral procession shall proceed to the place of interment by the most direct route, which is both legal and practicable.

(3) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

(4) All motor vehicles in the procession shall be operated with their lights turned on.

(5) No person shall interfere with a funeral procession.

(6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession, when practical.

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 71.999

SPEED LIMITS

' 71.100 SPEED LIMITS.

No person shall operate any motor vehicle upon streets in the city, as set forth in Chapter 73, Schedule IV, at a speed in excess of the speed there listed.

(1977 Code, ' 5-4) (Ord. 815, passed 8-7-1972) Penalty, see ' 71.999

' 71.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Violation of this chapter, unless otherwise specified, shall be punishable by a fine to be set by resolution.

(C) Any person violating ' 71.100 shall, upon conviction, be fined not to exceed \$100 or imprisoned in jail not to exceed 30 days, or by both the fine and imprisonment.

(1977 Code, ' 5-4)

(Ord. 815, passed 8-7-1972; Ord. 1249a, passed 6-7-2010)

CHAPTER 72: PARKING

Section

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PARKING REGULATIONS, GENERALLY

' 72.001 METHOD OF PARKING.

(A) On a street, highway, alley, city parking lot or city property:

(1) Where parking spaces are designated, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within 12 inches of the curb and within a single marked space, unless the size or the shape of the vehicle makes compliance impossible;

(2) Unless authorized by law, no person shall diagonal-park in any diagonal parking space by backing into and parking backward in that space; and

(3) Where indicated by a yellow curb, no vehicle shall stand or park unless authorized by specific sign and activity, to include but not be limited to bus, taxi or loading zone(s).

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.002 PROHIBITED PARKING.

(A) On a street, highway, alley, city parking lot, loading zone or city property, no person shall park or allow a vehicle to remain:

(1) In violation of the State Vehicle Code or city ordinance, in violation of a parking limitation or restriction device or sign; or

(2) In an alley, for a stop of more than 30 consecutive minutes for loading and unloading persons or materials.

(B) No operator shall park, and no owner shall allow a vehicle to be parked upon a street, city parking lot or city property for the purpose of:

(1) Displaying the vehicle for sale, except a vehicle parked in front of a person=s residence or place of work, while at work;

(2) Repairing or servicing the vehicle, except repairs necessitated by an emergency; or

(3) Selling merchandise from the vehicle, except when proper permits have been obtained from the city.

(C) Violation of this section is punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.003 USE OF LOADING ZONE.

No person shall park a vehicle in a loading zone for more than 30 minutes, to load or unload persons or materials. Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.004 EXEMPTION.

The provisions of this chapter shall not apply to persons operating public vehicles, while engaged in the public=s business, including without limitation:

(A) A city, county, state or public utility vehicle being used for public works maintenance, construction, repair work, law enforcement or other public safety or vehicle being used for collection, transportation or delivery of mail for the United States Postal Service; and

(B) Nothing in this chapter is intended to restrict a person with a state disability parking permit from operating in compliance with state law.
(Ord. 1249a, passed 6-7-2010)

' 72.005 IMPROPER PARKING AND PENALTIES.

It shall be unlawful to park a vehicle on any street or public parking lot within the city with any part of the vehicle extending over the marked lines. A vehicle which is longer or wider than the spaces

provided will not be in violation of this section. It shall also be a violation of this section to park in violation of any height limitations indicated by sign or markings. Violation of this section shall be punishable by a fine set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

PARKING METERS

' 72.020 DEPOSIT OF COINS.

A person parking a vehicle in a metered parking space shall immediately pay a parking space usage fee by depositing United States of America coin in the appropriate parking meter sufficient for the time the vehicle is parked there. However, a person may use remaining meter time sufficient for the person=s parking use. Violation of this section shall be punishable by a fine to be set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.021 LEGAL TIME LIMITS.

(A) (1) No person shall permit his or her vehicle to remain parked at a metered space after the time on that parking space=s meter has expired.

(2) Parking meter fees are required for use of the metered parking spaces every day between 9:00 a.m. and 5:00 p.m., except on Sundays and holidays.

(B) Violation of this section shall be punishable by a fine to be set by resolution.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.022 MECHANICAL DEFECT.

An unintentional violation of ' ' 72.020 and 72.021 due to a mechanical failure of a parking meter is a defense to a violation under either section.

(Ord. 1249a, passed 6-7-2010)

' 72.023 COLLECTIONS.

The Chief of Police or his or her designee shall be responsible for the collection of all coins deposited in parking meters.

(Ord. 1249a, passed 6-7-2010)

' 72.024 PARKING PERMITS FOR CONSTRUCTION PURPOSES.

The city may issue a parking permit to a person engaged in the construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street within the Parking District. A permit shall be issued only in non-metered areas, including alleys, which might be used or blocked off without interference with commerce, or found reasonably close to the place where the person is engaged and shall be issued for use for each particular construction job. A person with a properly issued permit shall display it upon the permittee=s vehicle, easily visible from outside the vehicle. This will reserve the parking space for the use of the permittee=s vehicle during the period when he or she is actually engaged in the task for which the permit was issued. Violation of this section shall be punishable by a fine to be set by resolution. Violation of this section may also result in the parking permit being revoked.

(Ord. 1249a, passed 6-7-2010)

' 72.025 USAGE OF REVENUES.

Not less than 10% of all annual parking meter receipts may be budgeted yearly for parking improvements.

(Ord. 1249a, passed 6-7-2010)

PARKING CITATIONS AND OWNER RESPONSIBILITY**' 72.040 CITATIONS ON ILLEGALLY PARKED VEHICLES.**

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer finding the vehicle shall take its license number, and other information displayed on the vehicle, which may identify its owner, and shall conspicuously affix to the vehicle a parking citation for the operator to answer to the charge or pay the penalty. A subsequent violation occurs if the vehicle remains in the same space after the issuance of a citation for a period which exceeds the time designated as the parking time limitation for the space.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.041 FAILURE TO COMPLY WITH PARKING VIOLATION ATTACHED TO PARKED VEHICLE.

Upon order of the Municipal Court, vehicles used in the commission of a parking violation may be impounded according to the provisions of this chapter and following due process. A person=s or owner=s vehicle is subject to impound if the person or owner has two unpaid city parking convictions issued to the same vehicle license plate or registration. A ***PARKING CONVICTION*** is a parking citation that has been adjudicated by either a no contest or guilty plea or finding, or a finding of guilty by failure to appear. An ***UNPAID, CITY PARKING CONVICTION*** does not include any unpaid conviction for which an existing, court-authorized installment repayment plan for fines and other assessments is not otherwise delinquent or in default.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.042 NOTICE OF, AND AN OPPORTUNITY TO, CONTEST PROPOSED IMPOUND.

Notice of a proposed vehicle impound shall be served upon the vehicle=s registered owner, the citation=s defendant (if different from owner), if known, and any person known to have a perfected or recorded security interest in the vehicle as based on information on the registration from DMV. Notice shall be served not less than 14 days in advance of any impound order. Service of notice shall be by any means under state law reasonably calculated to convey actual notice to those person(s) entitled to notice, including but not limited to personal service or first-class, certified, return receipt requested United States mail. The defendant shall respond, if at all, in writing within 14 days from the date of mailing and shall specify any affirmative defenses and explanations against the proposed impound.

(Ord. 1249a, passed 6-7-2010)

' 72.043 COURT ORDER.

The Court may order the vehicle impounded and assess any cost, disbursement or fee when defendant has:

(A) Two unpaid city parking convictions, on the same vehicle license plate or registration;

(B) Been properly served notice of the pending vehicle impound proceeding; and

(C) Failed to respond, has waived his or her rights to contest the proposed impound and/or when the Court finds the defendant failed to carry his or her burden of proof of any affirmative defense, excuse or other explanation.

(Ord. 1249a, passed 6-7-2010)

' 72.044 RESPONSE BY DEFENDANT.

If defendant responds as required, the Court shall notify the defendant of the hearing date, time and location on whether or not to order the proposed impound of the vehicle. The Court shall decide whether or not to order impoundment of the vehicle in due course.
(Ord. 1249a, passed 6-7-2010)

' 72.045 NO RESPONSE BY DEFENDANT.

If the defendant does not timely respond, then the defendant shall be conclusively presumed to have waived the defendant's right to contest the proposed impound. The Court or its designee shall then issue the order of impound.
(Ord. 1249a, passed 6-7-2010)

IMPOUNDMENT AND PENALTIES**' 72.060 IMPOUNDMENT OF VEHICLES.**

(A) *Impoundment.* A vehicle is subject to impoundment whenever the vehicle is:

(1) Operated by a person who is driving while suspended or revoked, driving uninsured, driving under the influence of intoxicants (DUI), or operating a vehicle without driving privileges or in violation of driving restrictions;

(2) There is a court order for impoundment for unpaid parking violations; or

(3) In violation of ' 71.35 or ' 72.002 while on properly posted city property, streets or city parking lot. A police officer may, without prior notice, order the vehicle to be impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer or judge.

(B) *Notice of towing/impoundment.* In the event a police officer impounds a vehicle pursuant to the provisions of division (A) above, notice consistent with the provisions of O.R.S. 819.180(2) shall be sent within 48 hours of the impoundment (excluding weekends and holidays) to any owner(s), lessors or security interest holder(s) as shown by the records of the appropriate Department of Motor Vehicles.

(C) *Release of vehicle.* Any person seeking the release of a vehicle impounded pursuant to the provisions of division (A) above shall provide the city with proof of liability insurance, proof of ownership and a valid operator=s license. In addition, any person lawfully entitled to the release of the vehicle shall first pay, prior to the release of the vehicle, an administrative fee to the city. The administrative fee shall be established by city resolution and the fee shall cover the administrative costs of the impoundment. The person shall then be responsible to the towing company for all charges incurred due to the impoundment of the vehicle.

(D) *Inventory of contents.* A vehicle that has been impounded, seized as evidence in a criminal investigation or seized for forfeiture by the City Police Department, shall be inventoried for condition and property contents to identify damage and to list all valuables in the vehicle to avoid civil liability. The search and inventory shall be conducted pursuant to current City Police Department policies and procedures.

(E) *Release.* A vehicle impounded for unpaid parking violations shall not be released until all outstanding fines, towing and impoundment fees have been paid.
(Ord. 1249a, passed 6-7-2010)

' 72.061 OBSTRUCTING ENFORCEMENT.

(A) No person shall:

(1) Cover, erase or otherwise render indistinguishable any mark placed on the tires of a vehicle by any officer having enforcement responsibility as provided by this chapter;

(2) Resist, interfere with or in any way hinder an officer who is actively in the discharge or apparent discharge of the officer=s duties under this chapter;

(3) Give any false, untrue or misleading information to an officer; or

(4) Hinder, delay, mislead or impede an officer in the performance of his or her lawful duty.

(B) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.062 DAMAGING PARKING CONTROL DEVICES.

No person shall destroy, damage, deface, alter, tamper with or in any way impair the usefulness, either temporarily or permanently, of any parking device or sign.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.063 UNAUTHORIZED USE OF PARKING PERMITS.

(A) No person shall copy, reproduce or alter any parking decal, form, sticker or other device issued by the city pursuant to the provision of this chapter.

(B) It shall be unlawful for any person to use any altered, forged or expired permit on any vehicle for the purpose of representing that the vehicle is in compliance with any section of this chapter, which motor vehicle requires a sticker, form, decal or other device, when that vehicle and the owner or operator thereof are not so entitled to use the same.

(C) Violation of this section shall be punishable by a fine to be set by resolution.
(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.064 UNAUTHORIZED PARKING CONTROL DEVICES.

(A) It shall be unlawful for any person to place, erect, paint, inscribe or otherwise establish any parking control device which purpose is to restrict or control parking, except any parking control devices as may be authorized by the city and/or the state.

(B) Violation of this section shall be punishable by a fine to be set by resolution. In addition, the city may impound any device and hold until disposition is decided by the Municipal Court or other court of venue.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.065 OWNER RESPONSIBILITY.

The owner, including the registered owner of a vehicle, who is parking in violation of a parking restriction contained in this chapter, is responsible for any violation and fine, which may be assessed for any violation of this chapter, except where the owner and/or registered owner proves that the possession or use of the vehicle was secured by another without the consent of the owner and/or registered owner of the motor vehicle.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.066 PRESUMPTION PERTAINING TO REGISTERED OWNER.

In a prosecution involving a parking violation under this chapter, proof that the vehicle that was parked in violation of this chapter was registered to the defendant upon the records of the Department of Motor Vehicles of this state shall constitute a presumption that the registered owner was the owner of the vehicle at the time of the violation.

(Ord. 1249a, passed 6-7-2010)

' 72.067 VIOLATION CLASSIFIED.

Any offense described in this chapter is a violation punishable by fine. However other legal and/or equitable remedies, costs, disbursements and/or fees may be assessed by the Court.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.068 COSTS, DISBURSEMENTS, FEES AND PENALTIES.

Upon a conviction of a violation of this chapter, the Court shall order that defendant pays any cost, disbursement, fee or penalty authorized by this chapter. In addition, upon conviction by the Court, all costs of removal and disposition of personal property, trash containers, construction equipment, construction supplies, trash, vehicles or other property may also be levied as part of the fine.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.069 CITY IMPOUND FEE.

Defendant shall pay an administration fee, as set by resolution, for city staff arranging the tow and impound of the vehicle. This fee expressly shall not include any private vendor charges for tow or impound services.

(Ord. 1249a, passed 6-7-2010)

' 72.070 FINES AND REMEDIES.

(A) Defendant shall pay all fines assessed by the Court. Maximum fines shall be those currently existing for the various infractions or offenses in this chapter or state law, unless otherwise modified by this chapter or as set by Council resolution or subsequent amendment.

(B) The Court may award city restitution, damages and/or injunction.

(Ord. 1249a, passed 6-7-2010) Penalty, see ' 72.999

' 72.071 INTEREST.

Defendant shall pay interest at not less than the legal rate of interest on all amounts owed to city which are 30 days or more past due originating from Court judgments or convictions.

(Ord. 1249a, passed 6-7-2010)

' 72.072 HEARING AVAILABLE TO CONTEST VALIDITY OF TOW AND IMPOUNDMENT.

In the event a person wishes to contest the validity of the impoundment of a vehicle seized pursuant to this chapter, the person(s) must file a request to the city for a hearing within five calendar days of the impoundment. When a timely request for a hearing is made, a hearing shall be held before a hearings officer designated by the city. The hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person requesting the hearing. The city shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of O.R.S. 806.010, 807.010, 811.175, 811.182 or 813.010 or any provision of this chapter for which towing and impoundment are city remedies. The police officer or parking enforcement officer who ordered the vehicle impounded may submit an affidavit to the hearings officer in lieu of making a personal appearance at the hearing. If the hearings officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter an order affirming the removal and shall find that the owner or person entitled to possession of the vehicle is liable for the administrative fee and for usual and customary towing and storage charges. The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing. If the hearings officer finds that reasonable grounds for the impoundment of the vehicle was not supported by a preponderance of the evidence, then the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for the administrative fee and any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the hearings officer shall order it paid by the city. (Ord. 1249a, passed 6-7-2010)

DOWNTOWN PARKING DISTRICT

72.105 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK. The area on both sides of a street between nearest cross-streets or intersection.

BUSINESS. Any and all businesses that provide a service, merchandise or goods and collect fees for that service, merchandise or goods; clubs and organizations with restricted memberships that receive payment for food and drink served to members and non-members; providers of professional services, and collecting fees for services provided.

DAYS AND HOURS OF ORDINANCE ENFORCEMENT. Monday through Saturday, 9:00 a.m. to 5:00 p.m., excluding Sundays and holidays.

DOWNTOWN PARKING DISTRICT. The downtown area of the city, defined by the boundaries in the definition of ***DOWNTOWN PARKING DISTRICT BOUNDARIES*** below, where there is the desire to control or restrict parking of employees, employers, residents, students, volunteers and resident visitors, where indicated by approved sign(s), to provide customer parking and better access to

businesses in the District.

DOWNTOWN PARKING DISTRICT BOUNDARIES. The following street(s); both sides of each street are within the district unless specifically indicated otherwise in this section:

Stillwell Avenue, First Street to Fifth Street; Ivy Avenue, First Street to Third Street; Main Avenue, First Street to Fifth Street; Pacific Avenue, First Street to Fifth Street; Laurel Avenue, First Street to Fifth Street; Madrona Avenue, First Street to Fourth Street; First Street, Stillwell Avenue to Madrona Avenue; Second Street, Stillwell Avenue to Laurel Avenue; Third Street, Stillwell Avenue to Nestucca Avenue; Fourth Street, mid-block of Grove [Stillwell] Avenue to Madrona Avenue; Fifth Street, Stillwell Avenue to Main Avenue on the North Side; and Fifth Street, Main Avenue to Laurel Avenue.

EMPLOYEE/EMPLOYER. Any owner, operator, salesperson, agent or worker, whether paid by salary, bonus, commission, piecework or hourly wage and associated with or working for any commercial, professional, fraternal or public establishment within the City Parking District, unless excluded through franchise agreement or federal or state laws.

EMPLOYEE/EMPLOYER VOLUNTEER. Any person, who not for compensation, acting or serving willingly and with no constraint or guarantee of reward, performs any function(s) normally done by an employee/employer in any commercial, professional, fraternal or public establishment within the City Parking District, unless excluded through franchise agreement or federal or state laws.

OFFICER. Any city police officer, reserve police officer or other city employee, full-time, part-time or temporary, approved by the Chief of Police to enforce city ordinances or state statutes in regards to any parking or ordinance violations within the city limits.

PARKING DISTRICT. Includes all public streets and all off-street public parking facilities in the boundaries of the Downtown Parking District.

PERMIT. A permit or pass, provided by the city, either for or not for a fee, set by resolution, allowing parking in a parking space or area otherwise not allowed by this subchapter.

PERMIT(S). Include a daily construction permit as well as a delivery permit.

(1) ***DELIVERY PERMIT(S).*** Allow the permit holder(s) to park in any parking space in the Downtown Parking District for up to 15 minutes at a time for the purpose of loading, unloading, delivering or picking up items from his or her place of business or employment, providing a temporary exemption from zone restriction(s) indicated for that space.

(2) ***DELIVERY AND CONSTRUCTION PERMITS.*** Shall be requested and provided through the Police Department.

RESIDENT. Regularly staying at an apartment or dwelling, a place where a person regularly stays or lives, one=s legal domicile.

STUDENT. A student of any college, training center or school that receives payments from students as tuition and accepts members of the public as customers who receive services for which payments are made for those services, shall be classified as an employee/employer while attending the college, training center or school.

VISITOR. Visiting, for any period of time, a resident or resident=s other visitor. This may include other family member(s) who do not normally reside at the same residence as the resident.

WORK. All its common meanings, including activities as a volunteer or student.

ZONE(S). A specific number of connected parking space(s), either on a public street, or in a public-owned parking lot, signed the same, to control duration of parking allowed and/or types of person(s) allowed to park in those identified spaces.

(1) The goal of this section is to easily identify a specific area or number of spaces to have consistent parking control for easier use and for easier enforcement. A specific number of parking spaces could include but not be limited to a block, one side of a block, a row of parking spaces in a lot or even an entire lot. Signs would all be consistent in the District and also be consistent with signs of similar control, throughout the city.

(2) **ZONE** designation(s) for specific parking space(s) in city parking lot(s), on city street(s) and other city-controlled parking area(s) or space(s) within the Downtown Parking District shall be approved by the City Council by resolution.

(a) **ZONE (A).** Fifteen-minute parking, a maximum of 15 minutes at any one time in spaces in this zone.

(b) **ZONE (B).** Thirty-minute parking, a maximum of 30 minutes at any one time in spaces in this zone.

(c) **ZONE (C).** One-hour parking, a maximum of one hour at any one time in spaces in this zone.

(d) **ZONE (D).** Two-hour parking, a maximum of two hours at any one time in spaces in this zone.

(e) **ZONE (E).** Three-hour parking, a maximum of three hours at any one time in spaces in this zone.

(f) **ZONE (F).** Four-hour parking, a maximum of four hours at any one time in spaces in this zone.

(g) **ZONE (G).** Eight-hour parking, a maximum of eight hours at any one time in spaces in this zone.

(h) **ZONE (H).** Permit parking only, permits provided by the city, by process, with or

without fee.

(i) **ZONE (I).** No employee, employer parking in this zone without permit.

(j) **ZONE (J).** No resident parking in this zone, without permit.

(k) **ZONE (K).** No volunteer, student parking in this zone, without permit.

(l) **ZONE (L).** No visitor parking in this zone, without permit.

(Ord. 1216, passed 12-4-2006; Ord. 1264, passed 1-3-2012)

Cross-reference:

Downtown Parking District defined, see also ' 71.004

' 72.106 PARKING CONTROL.

A person parking within the Parking District shall comply with this subchapter and with the posted times on signs marking individual spaces or areas.

(Ord. 1216, passed 12-4-2006) Penalty, see ' 72.999

' 72.107 PARKING RESTRICTIONS.

No person shall cause any motor vehicle operated by that person to be parked upon a public street or public-owned parking facility within the Downtown Parking District, in violation of any Zone (I), (J), (K) or (L) restriction defined in this subchapter, identified by sign, between the hours of 9:00 a.m. and 5:00 p.m. daily, excepting holidays and Sundays.

(Ord. 1216, passed 12-4-2006) Penalty, see ' 72.999

' 72.108 OVERTIME PARKING.

No person shall park a vehicle on the same block for longer than the time designated for the parking space or area. Where a sign designates maximum parking time limits, movement of a vehicle within that block or parking lot shall not extend the time limits for parking. A subsequent violation occurs if the vehicle remains after issuance of a citation for an additional time period which exceeds the time designated for the space.

(Ord. 1216, passed 12-4-2006) Penalty, see ' 72.999

' 72.109 CITATIONS BY OFFICER ON ILLEGALLY PARKED VEHICLES.

Upon violation of this subchapter, an officer shall record on the citation the information necessary to identify the vehicle, its owner or operator, and to prove the violation. The citation shall include a summons notifying the owner or operator of the date, time and place to appear and answer the citation in Municipal Court. The officer shall next serve the citation on the owner or operator personally or by affixing the citation to the vehicle if the operator cannot be readily located. If contested, a citation alleging a beginning and ending date and time shall be construed as alleging the maximum number of separate offenses possible for person or subject vehicle for the parking space or area identified.
(Ord. 1216, passed 12-4-2006)

' 72.110 CITIZEN COMPLAINTS, THEIR SERVICE AND CITIZEN WITNESS REQUIRED.

A parking violation citation may also be served by an officer upon a person alleged to be in violation of this subchapter following receipt of a sworn parking complaint from a citizen. A citizen swearing out a parking complaint agrees to appear as a witness for the prosecution in Municipal Court. If a citizen is unwilling to appear as a witness, then the citation shall not be served.
(Ord. 1216, passed 12-4-2006)

' 72.111 LIMITED EXCEPTION FROM APPLICABILITY.

(1) Any person, group, or business may apply to the City for a limited exemption from certain restrictions imposed by this ordinance, within the Downtown Parking District. All other laws and or ordinances shall remain in full force and effect. Exemption may be requested in writing, to the City Manager, who, upon review of the requested, approve the request in full or part, or present the request to the appropriate committee, to then be presented to the Council for approval.

(2) Vehicles with appropriately displayed current handicap placards or license shall be exempt from timed parking as indicated in Oregon Revised Statutes. In addition, employees, employers and residents in the Downtown Parking District are also exempt from employee, employer, resident parking restrictions when appropriately displaying current handicap placards or license and are parked in a signed, marked handicap parking space in the Downtown Parking District.
(Ord 1280, passed 8-19-2013)

' 72.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Violation of ' ' 72.001 through 72.005, 72.020 through 72.025, 72.040 through 72.045 and 72.060 through 72.073 shall be punishable by a fine to be set by resolution.

(C) Violations of ' 72.105 through 72.111:

(1) A person found in violation of ' 72.107 shall, for the first violation, be issued a written warning. For all subsequent violations, the violation is punishable by a fine not less than \$50 and not to exceed \$100.

(2) Each violation of ' 72.108 shall be punishable by a fine of \$5.

(3) Each day or distinct time period of an offense described by ' ' 72.105 through 72.111 shall be considered a separate violation subject to a separate penalty as described by that subchapter. (Ord. 1216, passed 12-4-2006; Ord. 1249a, passed 6-7-2010)

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

- I. One-way streets
- II. Two-way streets
- III. Through streets
- IV. Speed limits
- V. Truck routes

SCHEDULE I. ONE-WAY STREETS.

<i>Street(s)</i>		<i>Direction</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Connecting street	Third Street and Ocean Place intersection to First Street	northeast bound	710	11-18-1957
First Street	Miller Avenue to Main Avenue	westbound	710	11-18-1957
Main Avenue	First Street to south city limits	southbound	879	4-11-1977
Pacific Avenue	South city limits to First Street	northbound	879	4-11-1977
Third Street	Main Avenue to Ocean Place	eastbound	710	11-18-1957

(Ord. 1249a, passed 6-7-2010)

SCHEDULE II. TWO-WAY STREETS.

<i>Street(s)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Ocean Place	710	11-18-1957

(Ord. 1249a, passed 6-7-2010)

SCHEDULE III. THROUGH STREETS.

<i>Street(s)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Fifth Street and Cedar Avenue, northbound on Cedar Avenue	879	4-11-1977
Fifth Street and Elm Avenue, northbound on Elm Avenue	879	4-11-1977
Fifth Street and Madrona Avenue, eastbound and westbound	879	4-11-1977
First Street, east city limits to Pacific Avenue	701	9-17-1956
Main Avenue	879	4-11-1977
Miller Avenue and Fifth Street (intersection), eastbound or westbound	879	4-31-1977
Pacific Avenue	879	4-11-1977
Stillwell Avenue, south of Fifth Street	879	4-11-1977
Third Street, except when entering Main Avenue and Pacific Avenue	879	4-11-1977

(Ord. 1249a, passed 6-7-2010)

SCHEDULE IV. SPEED LIMITS.

Pursuant to ' 71.100, no person shall operate any motor vehicle at speeds in excess of that listed below:

<i>Street</i>	<i>Max. Speed (mph)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Meadow Avenue	in excess of 20 mph	815	8-7-1972

(1977 Code, ' 5-4) Penalty, see ' 71.999

SCHEDULE V. TRUCK ROUTES.

Pursuant to ' 70.15, the following streets are hereby designated as city truck route streets:

Birch Avenue (between First Street and Third Street)
Cedar Avenue (between Front Street and First Street)
Del Monte Avenue (between First Street and Third Street)
First Street
Front Street
Main Avenue (US 101)
Pacific Avenue (US 101)
Stillwell Avenue
Tenth Street (between Main Avenue and Miller Avenue)
Third Street
Trask River Road
Twelfth Street (between Stillwell Avenue and Pacific Avenue)
Wilson River Loop Road

(Ord. 1269, passed 10-15-2012) Penalty, see ' 70.99

